



National Clearinghouse on Child Abuse and Neglect Information National Adoption Information Clearinghouse



Gateways to Information: Protecting Children and Strengthening Families

2003 Adoption State Statute Series Statute-at-a-Glance Parties to an Adoption

What You Need to Know

In order for an adoption to take place, a person available to be adopted must be placed in the home of a person or persons eligible to adopt. All States, the District of Columbia, and the U.S. territories Guam, Puerto Rico, American Samoa, the Northern Mariana Islands, and the Virgin Islands have laws that specify which persons are eligible as adopting parents, and which persons can be adopted. In addition, most States, the District of Columbia, and the territories have laws that designate which persons or entities have the authority to make adoptive placements.

Who May Adopt

In general, any single adult or a husband and wife jointly can be eligible to adopt. In addition, a stepparent can adopt the birth child of his or her spouse.¹ In approximately² 13 States and the District of Columbia there are no additional restrictions specified. In some States, married persons may adopt singly if they are legally separated from their spouse, or if their spouse is legally incompetent.

In approximately six States the age of adulthood for purposes of adoption is 18; four States set the age at 21; and two specify age 25. A few States allow minors to adopt under certain circumstances, such as when the minor is the spouse of an adult adoptive parent, or when the minor is the unmarried birth parent of the child to be adopted.

In approximately seven States, the adopting parents must be at least 10 years older than the person to be adopted. In Puerto Rico, the adopting parent must be at least 14 years older; in Idaho, the parent must be at least 15 years older.

Approximately 16 States, Guam, Puerto Rico, and the Virgin Islands require that petitioners for adoption be State residents.³ The required period of residency ranges from 60 days to one year. In South Carolina and Indiana, a non-resident can adopt a special needs child; in New Mexico and Rhode Island, a non-resident may adopt through an agency.



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Children and Families, HHS

¹ A parent can usually adopt a stepchild without the spouse (the birth parent) joining in the petition, as long as the spouse consents to the adoption.

² The word *approximately* is used to stress the fact that the statutes are constantly being revised and updated.

³ State residency requirements for the adopting parent may be addressed in other sections of a State's code

**Gay and
Lesbian
Adoption**

The statutory laws in most States are largely silent on the issue of adoption by gay and lesbian persons. At this time, only two States, Florida and Mississippi, explicitly prohibit adoption by homosexuals in their statutes. Utah bars adoption by persons who are cohabiting but not legally married; this language could be interpreted to encompass gay and lesbian adoptions. In Connecticut, the sexual orientation of the prospective adoptive parent may be considered, but is not the determining factor in placement.

**Who
May Be
Adopted**

All States, the District of Columbia, and the U.S. territories permit the adoption of a child. Three States, American Samoa, and the Northern Mariana Islands specify that the child must be under age 18. Five States and Guam specify in statute that the child must be legally free for adoption. Five States and the Virgin Islands require that the child to be adopted must be present in the State at the time the petition is filed. In addition, some States require that the child have resided for a minimum period of time in the home of the prospective adoptive parents.

Approximately 30 States allow the adoption of any person, regardless of age. A few other States allow parties to petition the court for the adoption of persons over age 18 but under age 21. Alabama restricts adoption of adults to persons who are permanently and totally disabled or mentally retarded. Ohio only allows adoption of an adult when the person is permanently disabled, mentally retarded, or a stepchild or foster child. Idaho, Illinois and South Dakota require that the adopting parent be in a sustained parental relationship for a specified period of time, ranging from 6 months to 2 years, with the adult to be adopted.

**Who May
Place a
Child For
Adoption**

In general, any person or entity who has the right of consent to a child may place that child for adoption. Such persons include the birth parents or the child's legal guardian or guardian *ad litem*; legal entities include State Departments of Social Services or child placing agencies. Approximately 48 States, the District of Columbia and all the U.S. territories excluding the Northern Mariana Islands specifically designate which persons or entities hold the authority to make adoptive placements.

Most States allow "nonagency" placements of children for adoption, often referred to as "private" or "independent" adoption. One type of private adoption allowed in most States is the "direct placement" of a child by the birth parent with an adoptive family. Many States that allow direct placement have detailed statutory regulation in order to protect the interests of the parties to the adoption.

Approximately 11 States and Puerto Rico require that all adoptive placements be made by the State Departments of Human or Social Services or child placing agencies that are licensed by the State or meet certain standards. In four of these States, Florida, Kentucky, Minnesota, and Rhode Island, parents who wish to make private placements must first obtain permission from the Department or the court.

A few States allow the use of intermediaries in arranging private placements. These intermediaries are usually attorneys, and their activities, as well as the remuneration they are allowed to accept, are strictly regulated.

The Statutes-at-a-Glance listings summarize specific sections of each State's code. While every attempt has been made to be as complete as possible, additional information on these topics may be in other sections of a State's code as well as agency regulations, case law, and informal practices and procedures. Readers interested in the interpretation of specific statutory provisions within an individual jurisdiction should consult with professionals within the State familiar with the statutes' implementation.

To obtain additional copies of this product, or for more information, contact:

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We welcome your comments and suggestions about this products.

Alabama**Who May Adopt**

Statute: § 26-10A-5

- Any adult person or husband and wife jointly who are adults
- No regulation shall prevent an adoption by a single person solely because the person is single
- No regulation shall prevent an adoption solely because of the person's age
- No regulation shall prevent an adoption solely because the adult person is employed outside the home

Who May Be Adopted

Statute: § 26-10A-6

- A minor
- An adult who is:
 - Totally and permanently disabled
 - Mentally retarded

Who May Place a Child for Adoption

Statute: § 26-10A-33

- A parent
- A parent of a deceased parent
- A relative of a degree of relationship specified in statute
- Department of Human Resources
- A licensed child placing agency
- An agency approved by the Department

Alaska**Who May Adopt**

Statute: § 25.23.020

- A husband and wife together
- An unmarried adult
- The unmarried parent of the adoptee

Who May Be Adopted

Statute: § 25.23.010

Any person

Who May Place a Child for Adoption

Statute: § 25.23.185

A licensed child placing agency

American Samoa**Who May Adopt**

Statute: § 45.0411

- Any person age 21 or older
- A minor may petition the court for approval to adopt

Who May Be Adopted

Statute: § 45.0410

- Any child under 18 years of age, legally available and present in the territory
- The court may approve the adoption of a person older than 18 but under 21

Who May Place a Child for Adoption

Statute: § 45.0413

- An individual who is the guardian of the child
 - The court
 - The Department of Health
 - A child placement agency
-

Arizona**Who May Adopt**

Statute: § 8-103

- Any adult resident of the State, whether married, unmarried or legally separated
- A husband and wife may jointly adopt.

Who May Be Adopted

Statute: § 8-102

- A child
- A foreign-born person age 21 or less who is not an illegal alien
- Person to be adopted must be present within the State at the time the petition is filed

Who May Place a Child for Adoption

Statute: § 8-130

- A licensed child placing agency
 - A State licensed attorney can handle direct placements
-

Arkansas**Who May Adopt**

Statute: § 9-9-204

- A husband and wife together even if one or both are minors
- An unmarried adult
- The unmarried parent of the adoptee
- A married individual without the spouse under specified conditions

Who May Be Adopted

Statute: § 9-9-203

Any individual

Who May Place a Child for AdoptionNot addressed in statutes reviewed.

California**Who May Adopt**

Statute: Family Code § 8600; § 8601

- An adult
 - An adoptive parent shall be at least 10 years older than the child, except under conditions specified
-

Who May Be Adopted

Statute: Family Code § 8600

An unmarried minor

Who May Place a Child for Adoption

Statute: Family Code § 8801.5; § 8704; § 8502

- The child's birth parent
 - Licensed adoption agency
 - The Department
 - An attorney acting as an adoption service provider
-

Colorado**Who May Adopt**

Statute: § 19-5-202

- Any person age 21 or older, including a foster parent
- A minor may petition the court for approval
- A person with a living spouse shall adopt jointly

Who May Be Adopted

Statute: § 19-5-201

- Any child under age 18 present in the State
- The court may approve the adoption of a person over age 18 but under 21

Who May Place a Child for Adoption

Statute: § 19-5-206

- The birth parent(s)
 - The court
 - The county Department of Social Services
 - A licensed child placing agency
-

Connecticut**Who May Adopt**

Statute: § 45a-724; § 45a-726a; § 45a-732

- Any adult person
- The sexual orientation of the adopter may be considered when placing a child
- A husband and wife must adopt jointly unless excepted by the court

Who May Be Adopted

Statute: § 45a-724; § 45a-725

- Any minor child
- The child must be legally free for adoption, as defined by this section

Who May Place a Child for Adoption

Statute: § 45a-724; § 45a-726

- Any parent or statutory parent
 - The child's guardian(s)
 - The Commissioner of Children and Families
 - A child placing agency
-

Delaware**Who May Adopt**

Statute: Title 13, § 903

- An unmarried person
- Husband and wife jointly
- A divorced or legally separated person
- Residents of the State at the time of filing
- Over age 21

Who May Be Adopted

Statute: Title 13, § 908

A child who is legally free for adoption.

Who May Place a Child for Adoption

Statute: Title 13, § 904

- The Department
 - A licensed or authorized agency
-

District of Columbia**Who May Adopt**

Statute: § 16-302

- Any person
- A married person must petition jointly with his spouse

Who May Be Adopted

Statute: § 16-303

Any minor or adult

Who May Place a Child for Adoption

Statute: § 4-1405

- The parent
 - A guardian
 - A relative within the third degree
 - A licensed child placing agency
-

Florida**Who May Adopt**

Statute: § 63.042

- A husband and wife jointly
- An unmarried adult
- A married person without a spouse if statutory criteria satisfied
- No person is eligible to adopt if that person is a homosexual

Who May Be Adopted

Statute: § 63.042

Any person, a minor or an adult

Who May Place a Child for Adoption

Statute: § 63.022; § 63.202

- A parent or intermediary who must report any placement to the Department of Children and Family Services
 - A child placing agency which is licensed by the Department
-

Georgia**Who May Adopt**

Statute: § 19-8-3

- Any adult person, including a foster parent, who:
 - Is at least 25 years old or married and living with his spouse
 - Is at least 10 years older than the child
 - Has been a resident at least 6 months
 - Is financially, physically and mentally able to have permanent custody of the child
- Married persons must file a joint petition

Who May Be Adopted

Statute: § 19-8-1, 3; § 19-8-21

- Any child
- An adult may be adopted upon giving written consent

Who May Place a Child for Adoption

Statute: § 19-8-4

- The parent or guardian
 - The Department
 - Any child placing agency
-

Guam**Who May Adopt**

Statute: Tit. 19, § 4203

- A husband and wife jointly
- A stepparent
- An unmarried adult
- A married adult if legally separated from his spouse
- Legal residents of Guam

Who May Be Adopted

Statute: Tit. 19, § 4201

Any child who is legally free for adoption

Who May Place a Child for Adoption

Statute: Tit. 19, § 4201

- The parents
- Division of Social Services

Hawaii**Who May Adopt**

Statute: § 578-1

- Any unmarried adult
- The spouse of a birth parent
- A husband and wife jointly

Who May Be Adopted

Statute: § 578-1.5

- Any person
- An adult must give written consent to the adoption

Who May Place a Child for Adoption

Statute: § 578-2

- Parent or legal guardian
 - The department
 - Approved child placement organization
-

Idaho**Who May Adopt**

Statute: § 16-1501; § 16-1502; § 16-1503

- Any adult resident of Idaho subject to specific provisions stipulated in statute
- Person adopting, except the spouse of a natural parent, must be:
 - At least 15 years older than adoptee or
 - Age 25 or older
- If married, consent of spouse is required

Who May Be Adopted

Statute: § 16-1501

- Any minor child.
- Any adult where the adopting person has sustained the relationship of a parent for a period in excess of one year, or if the court determines a substantial family relationship has been created.

Who May Place a Child for Adoption

Statute: § 16-1504

Parent or legal guardian

Illinois**Who May Adopt**

Statute: 750 ILCS § 50/2

- A resident for at least 6 months or a member of the armed forces domiciled in the state for 90 days
 - A reputable adult of either sex
 - A minor with leave of the court
 - Husband and wife must petition jointly
 - Residency requirement does not apply to a related child
-

Who May Be Adopted

Statute: 750 ILCS § 50/3

- Any child.
- Any adult who has resided with adoptive parent for at least two years while the person was a minor or are related.

Who May Place a Child for Adoption

Statute: 750 ILCS § 50/4.1

- The Department of Children and family Services
 - Any agency licensed by the Department
-

Indiana**Who May Adopt**

Statute: § 31-19-2-2; § 31-19-2-3; § 31-19-2-4

- A resident of Indiana
- A non-resident may adopt a hard to place child
- Husband and wife must petition jointly

Who May Be Adopted

Statute: § 31-19-2-2; § 31-19-2-1

- A child less than age 18
- A person age 18 or older may consent to his adoption by a resident of Indiana

Who May Place a Child for Adoption

Statute: § 31-19-7-1

- A licensed child placing agency
 - The Division of Family and Children
-

Iowa**Who May Adopt**

Statute: § 600.4

- An unmarried adult
- Husband and wife together
- Husband or wife separately under certain conditions

Who May Be Adopted

Statute: § 600.10

A minor person who has lived with adoption petitioner a minimum of 180 days

Who May Place a Child for Adoption

Statute: § 600.7A

The Department of Human Services

Kansas**Who May Adopt**

Statute: § 59-2113

- Any adult
- Husband and wife jointly

Who May Be Adopted

Statute: § 59-2113

Any minor or adult

Who May Place a Child for Adoption

Statute: § 59-2112

- The child's parent(s)
 - Legal guardian
 - Person *in loco parentis*
 - A child placing agency
-

Kentucky**Who May Adopt**

Statute: § 199.470

- Any person age 18 or older
- A resident for at least 12 months
- Husband and wife jointly

Who May Be Adopted

Statute: § 199.470

Any child

Who May Place a Child for Adoption

Statute: § 199.470; § 199.473

- A licensed agency
 - The State Cabinet
 - All other persons must have permission of the Cabinet to place or receive a child
-

Louisiana**Who May Adopt**

Statute: Ch. Code Art. § 1198, § 1221

- A single person, age 18 or older
- A married couple jointly

Who May Be Adopted

Statute: Ch. Code Art. § 1198, § 1221

A child

Who May Place a Child for Adoption

Statute: Ch. Code Art. § 1198, § 1221

- Private placement
 - Child placing agency
-

Maine**Who May Adopt**

Statute: Tit. 18-A, § 9-301

- A husband and wife jointly
- An unmarried person
- Resident or nonresident

Who May Be Adopted

Statute: Tit. 18-A, § 9-301

Any person, regardless of age

Who May Place a Child for Adoption

Statute: Tit. 22, § 8204

- An individual, as specified in statute
 - A licensed child placing agency
-

Maryland**Who May Adopt**

Statute: Family Law § 5-309

Any adult, regardless of marital status

Who May Be Adopted

Statute: Family Law § 5-307

Any person, regardless of age

Who May Place a Child for Adoption

Statute: Family Law § 5-311

- The birth parent(s)
 - A child placement agency that has been awarded guardianship
-

Massachusetts**Who May Adopt**

Statute: Ch. 210 § 1

- Any adult
- Husband and wife jointly
- A minor with his spouse to adopt the natural child of one of the parties

Who May Be Adopted

Statute: Ch. 210 § 1

Any person younger than the petitioner, except for a spouse, sibling, or aunt or uncle

Who May Place a Child for Adoption

Statute: Ch. 210 § 11A

- The Department of Social Services
 - A licensed child placing agency
-

Michigan**Who May Adopt**

Statute: § 710.24

- Any person
- A husband and wife jointly

Who May Be Adopted

Statute: § 710.24

Any child or adult

Who May Place a Child for Adoption

Statute: § 710.23a, § 710.23b, § 710.23c

- A parent or guardian having legal and physical custody
 - A child placing agency
 - The department
 - A court having legal custody
-

Minnesota**Who May Adopt**

Statute: § 259.22

- Any person
- Resident of the State one year or more

Who May Be Adopted

Statute: § 259.22

Any child or adult

Who May Place a Child for Adoption

Statute: § 259.22; § 259.47

- Commissioner of Human Services
 - A licensed child placing agency
 - Direct placement by a parent or guardian must be approved by the court
-

Mississippi**Who May Adopt**

Statute: § 93-17-3

- An unmarried adult
- A married person jointly with his spouse
- State resident for a least 90 days, except in an agency adoption
- Adoption by persons of same gender is prohibited

Who May Be Adopted

Statute: § 93-17-3

Any person

Who May Place a Child for Adoption

Statute: § 93-17-5; § 93-17-9

- The parent(s)
 - A guardian *ad litem*
 - A child placing agency to whom the child has been surrendered
-

Missouri**Who May Adopt**

Statute: § 453.010

- Any person, regardless of residence
- A person may petition jointly with his spouse

Who May Be Adopted

Statute: § 453.010

Any child

Who May Place a Child for Adoption

Statute: § 453.014

- The Division of Family Services of the Department of Social Services
 - A licensed child placing agency
 - The child's parent(s)
 - An intermediary, including an attorney, physician or clergyman
-

Montana**Who May Adopt**

Statute: § 42-1-106

- A husband and wife jointly
- A stepparent
- An unmarried individual over the age 18
- A married person who is legally separated or whose spouse is incompetent

Who May Be Adopted

Statute: § 42-1-105

- A child who is legally free for adoption
- Any adult
- A stepchild

Who May Place a Child for Adoption

Statute: § 42-1-107

- The department or agency to which the child has been relinquished or has been authorized to place the child
- The child's parents
- A guardian authorized by the court

Nebraska**Who May Adopt**

Statute: § 43-101

- Any adult person
- A husband and wife must adopt jointly, unless the adoptive parent is a stepparent

Who May Be Adopted

Statute: § 43-101

- Any minor child
- Any adult child

Who May Place a Child for Adoption

Statute: § 43-105

- The parents
 - The Department of Health and Human Services
 - A licensed child placing agency
-

Nevada**Who May Adopt**

Statute: § 127.020; § 127.030

- An adult person at least 10 years older than the adoptee
- Any adult
- Married persons must adopt jointly

Who May Be Adopted

Statute: § 127.020; § 127.190

- A minor child at least 10 years younger than the adoptive parent
- Any adult person younger than the adoptive parent

Who May Place a Child for Adoption

Statute: § 127.051

The agency to which a child has been relinquished

New Hampshire**Who May Adopt**

Statute: § 170-B:4

- Husband and wife together
- An unmarried adult
- Any foster parent
- The unmarried parent of the adoptee
- A stepparent

Who May Be Adopted

Statute: § 170-B:3

Any individual

Who May Place a Child for Adoption

Statute: § 170-B:5

- The parents or legal guardian
 - The Department of Health and Human Services
 - An agency licensed to place children
-

New Jersey**Who May Adopt**

Statute: § 9:3-43

- Any person
- Married persons must adopt jointly
- At least 18 years of age and 10 years older than adoptee

Who May Be Adopted

Statute: § 9:3-39.1

Any child

Who May Place a Child for Adoption

Statute: § 9:3-39.1

- The parent or guardian of the child
 - An approved agency
 - An intermediary if the adoptive parent has a home study through an approved agency
-

New Mexico**Who May Adopt**

Statute: § 32A-5-11

- Any resident who has been approved by the court
- A married person may file separately if a stepparent or legally separated
- Non-residents may adopt a New Mexico agency or the department placed the child

Who May Be Adopted

Statute: § 32A-5-11; § 32A-5-5

- Any child
- An Indian child should be placed with:
 - His extended family
 - Members of his tribe
 - Other Indian families

Who May Place a Child for Adoption

Statute: § 32A-5-12

- The Department
- The appropriate public authority of another State
- An agency
- The court
- The parent

New York**Who May Adopt**

Statute: Dom. Rel. § 110

- An adult unmarried person
- An adult husband and wife together
- An adult married person legally separated

Who May Be Adopted

Statute: Dom. Rel. § 110

Any person

Who May Place a Child for Adoption

Statute: Soc. Serv. § 374

- An authorized agency
 - A parent
 - A legal guardian
 - A relative within the second degree
-

North Carolina**Who May Adopt**

Statute: § 48-1-103

- Any adult
- Spouses may not adopt each other

Who May Be Adopted

Statute: § 48-1-104

Any individual

Who May Place a Child for Adoption

Statute: § 48-3-201

- An agency
 - A guardian
 - Both parents if married and living together
 - A parent with legal and physical custody of the child
-

North Dakota**Who May Adopt**

Statute: § 14-15-03

- A husband and wife together if not separated, even if one or both are minors
- An unmarried adult
- The unmarried parent of the adoptee
- A married individual legally separated

Who May Be Adopted

Statute: § 14-15-02

Any individual

Who May Place a Child for Adoption

Statute: § 50-06-01.4

- The department
 - A licensed child placing agency
-

Northern Mariana Islands**Who May Adopt**

Statute: § 1403

- Any adult resident who is:
 - Unmarried
 - Married to the legal parent
 - Husband and wife jointly
 - At least 10 years older than the child to be adopted

Who May Be Adopted

Statute: § 1402

- Any person under age 18.
- The court may allow the adoption of persons over age 18 if in conformance with local custom or not for the purpose of evading the law.

Who May Place a Child for AdoptionNot addressed in statutes reviewed

Ohio**Who May Adopt**

Statute: § 3107.03

- A husband and wife together, at least one of whom is an adult
- An unmarried adult or a married person singly if legally separated
- An unmarried minor parent
- A stepparent

Who May Be Adopted

Statute: § 3107.02

- Any minor
- An adult if he is:
 - Permanently disabled
 - Mentally retarded
 - A stepchild or foster child

Who May Place a Child for Adoption

Statute: § 3107.011

- All adoptions must be arranged by:
 - An agency
 - An attorney

Oklahoma**Who May Adopt**

Statute: Tit. 10, § 7503-1.1

- A husband and wife jointly if both are least age 21
- A stepparent
- An unmarried or legally separated person at least age 21

Who May Be Adopted

Statute: Tit. 10, § 7503-1.1; § 7507-1.1

- A child
- An adult

Who May Place a Child for Adoption

Statute: Tit. 10, § 7510-2.1

- The department
 - A child placing agency
-

Oregon**Who May Adopt**

Statute: § 109.309

- Any person
- At least one person in the proceeding must be a resident of Oregon

Who May Be Adopted

Statute: § 109.309

- A minor child
- An adult

Who May Place a Child for Adoption

Statute: § 109.309

- A parent
 - A relative or other person
 - A licensed adoption agency
-

Pennsylvania**Who May Adopt**

Statute: 23 Pa. § 2312

Any individual

Who May Be Adopted

Statute: 23 Pa. § 2311

Any individual, regardless of age or residence

Who May Place a Child for Adoption

Statute: 23 Pa. § 2501

A child placing agency

Puerto Rico**Who May Adopt**

Statute: Tit. 31, § 531; § 532

- The adopter must:
 - Be a resident for at least 6 months
 - Be of legal age
 - Have legal capacity to act
 - Be at least 14 years older than the adoptee
- A person may not adopt if he is:
 - Declared incompetent
 - Incarcerated

Who May Be Adopted

Statute: Tit. 31, § 533

- Non-emancipated minors and minors emancipated by judicial decree.
- An unmarried emancipated minor or person of legal age may be adopted under circumstances specified in statute.

Who May Place a Child for Adoption

Statute: Tit. 8, § 81

A child placing agency

Rhode Island**Who May Adopt**

Statute: § 15-7-4

- Any resident
- A husband and wife must petition jointly
- A non-resident may adopt a child in the custody of a child placing agency

Who May Be Adopted

Statute: § 15-7-4

- Any person younger than the adopter and under age 18
- Adoptions of persons over age 18 may be granted by the probate court

Who May Place a Child for Adoption

Statute: § 15-7-2

- A parent may place a child, but must notify the department
- The department or child placing agency

South Carolina**Who May Adopt**

Statute: § 20-7-1670

- A South Carolina resident
 - A non-resident may adopt:
 - A special needs child
 - If the child is being placed with a relative
 - If the adopter is a member of the military
 - A legally-freed child in foster care
-

Who May Be Adopted

Statute: § 20-7-1660

Any child present within the State

Who May Place a Child for Adoption

Statute: § 20-7-1670

- A parent
 - The department
 - A child placing agency
-

South Dakota**Who May Adopt**

Statute: § 25-6-2, 3

- Any adult person, at least 10 years older than the adoptee
- A married person must have consent of spouse unless legally separated

Who May Be Adopted

Statute: § 25-6-2; 25-6-18

- Any minor child
- An adult if he lived in home of adoptive parents during his minority for at least 6 months

Who May Place a Child for Adoption

Statute: § 26-6-8

- A parent
 - A guardian
 - A relative within 2nd degree
 - A licensed child welfare agency
 - The Department of Social Services
-

Tennessee**Who May Adopt**

Statute: § 36-1-115

- Any person over age 18
- Spouses must petition jointly
- Must be residents for at least 6 months
- Foster parents are given first preference on adopting their foster child

Who May Be Adopted

Statute: § 36-1-115

Any person

Who May Place a Child for Adoption

Statute: § 36-1-108

- A parent
 - The department
 - A licensed child placing agency
 - A licensed clinical social worker
-

Texas**Who May Adopt**

Statute: Fam. Code § 162.001

An adult

Who May Be Adopted

Statute: Fam. Code § 162.001

- A child residing in the State if:
 - The rights of the parents have been terminated.
 - The petitioner is a stepparent.
 - The child is at least 2 years old, and the petitioner is a former stepparent who has cared for the child at least 6 months.

Who May Place a Child for Adoption

Statute: Fam. Code § 162.025

- The child's natural or adoptive parent
 - The child's legal guardian
 - A licensed child placing agency
-

Utah**Who May Adopt**

Statute: § 78-30-1; § 78-30-2

- Adults who are legally married to each other.
- A stepparent.
- Any single adult.
- Persons who are cohabiting but not legally married may not adopt.
- The adoptive parent must be at least 10 years older than the adoptee. In the case of a married couple only one person needs to be 10 years older.

Who May Be Adopted

Statute: § 78-30-1

- Any minor child
- Any adult

Who May Place a Child for Adoption

Statute: § 62A-4a-602

- A parent.
 - A licensed child placing agency.
 - An attorney, physician or other person may assist in identifying an adoptive family, but may not accept payment for that assistance.
-

Vermont**Who May Adopt**

Statute: Tit. 15A, § 1-102

- Any person
- A parent's partner

Who May Be Adopted

Statute: Tit. 15A, § 1-102

Any person

Who May Place a Child for Adoption

Statute: Tit. 15A, § 2-101

- The parent having legal custody
 - A guardian
 - An agency to which the child has been relinquished
-

Virgin Islands**Who May Adopt**

Statute: Tit. 16, § 141

- Any inhabitant of the Virgin Islands
- Married couples jointly

Who May Be Adopted

Statute: Tit. 16, § 141

A child who is in the Virgin Islands

Who May Place a Child for Adoption

Statute: Tit. 16, § 142

- A parent
 - A guardian
 - Next of kin
-

Virginia**Who May Adopt**

Statute: § 63.2-1201

- Any resident
- A husband and wife jointly
- A stepparent

Who May Be Adopted

Statute: § 63.2-1200; § 63.2-1243

- A minor child
- An adult if:
 - A stepchild
 - A niece or nephew
 - Has resided in the home for 3 months prior to majority
 - For good cause shown, provided that the petitioner is at least 15 years older

Who May Place a Child for Adoption

Statute: § 63.2-1200

- A licensed child placing agency
 - A local board of social services
 - The child's parent or legal guardian
 - An out-of-state agency that is licensed by that State
-

Washington**Who May Adopt**

Statute: § 26.33.140

- Any person who is:
 - Legally competent
 - Age 18 or older

Who May Be Adopted

Statute: § 26.33.140

Any person, regardless of age or residence

Who May Place a Child for Adoption

Statute: § 26.33.160

- A parent or guardian
 - The department
 - A child placing agency
-

West Virginia**Who May Adopt**

Statute: § 48-22-201

- Any person
- A stepparent
- A husband and wife jointly
- Any married person with consent of spouse

Who May Be Adopted

Statute: § 48-22-201; § 48-22-801

- Any minor child
- Any person age 18 or older by a West Virginia resident

Who May Place a Child for Adoption

Statute: § 49-3-1

- The child welfare agency
 - The department
-

Wisconsin**Who May Adopt**

Statute: § 48.82

- A resident of the State
- A husband and wife jointly
- A stepparent
- An unmarried adult

Who May Be Adopted

Statute: § 48.81

Any child present in the State who is free for adoption, as defined in this section

Who May Place a Child for Adoption

Statute: § 48.837; § 48.833

- A parent having custody of the child
 - The Department
 - A licensed child placing agency
-

Wyoming

Who May Adopt

Statute: § 1-22-103

Any adult person who has resided in the State at least 60 days and determined to be fit and competent

Who May Be Adopted

Statute: § 1-22-102

Any person present within the State when the petition is filed

Who May Place a Child for Adoption

Statute: § 1-22-101

- Any person legally empowered to place a child
- A certified private child welfare agency
- The department of Family Services